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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/028,726	02/24/1998	MATTI JOKIMIES	297-007856-U	5120

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EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/05/2003

25

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Office Action Summary

Application No.

09/028,726

Applicant(s)

JOKIMIES, MATTI

Examiner

Charles Appiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on January 6, 2003 have been fully considered but they are not persuasive. With respect to applicants' argument that "the only thing that is terminal-specific in the disclosure of Chavez is the entry in a table that is internal to the wireless switching system" by arguing that "based on such terminal-specific information the network can select a tenant-specific preference to be transmitted to the wireless terminal, but the network will never transmit the terminal-specific information, because it is only useful to the wireless switching system for the purposes of finding out, which tenant has a certain terminal assigned to it" examiner respectfully disagrees and maintains that Chavez meets the claimed limitation of "at least one terminal is arranged to favor at least one cell based on data specific to that terminal stored in and received from the network", irrespective of the base stations being dedicated to serving wireless terminals designated by a particular tenant (col. 2, lines 52-54), as clearly shown by Chavez's teaching of a wireless terminal consulting an internal list of base stations on which it is allowed to register, this list being transmitted from the wireless switching system when the wireless terminal registers on the wireless switching system (col. 3, lines 1-45). Examiner reiterates that the information that is made available to the mobile terminal including tenant identification numbers identifying tenants' whose base stations a mobile station is allowed or can use clearly is tailored to the mobile station and as such this meets the "terminal-specific data" which is "stored in and received from a network " as claimed.

In view of the above, the rejections using Chavez read on and anticipate the invention as claimed and are maintained as repeated below. The rejections are made FINAL.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 4, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chavez, Jr. (6,018,666)**.

Regarding claims 1, 4 and 6 Chavez discloses as illustrated in Figure 1, a cellular radio system, a cellular radio terminal and a method to realize cell prioritizing in a cellular radio system which include terminals (124, 126) and a network including stationary network equipment (101, 102-116), of which the terminals are arranged to set up and maintain radio communications with base stations in the cells (102-116), wherein at least one terminal is arranged to favor at least one cell based on data specific to that terminal stored in and received from the network (tenant identification numbers identifying tenant whose base stations a wireless terminal can use which can be made available to the wireless terminal upon first registering on wireless switching system, see col. 3, lines 28-45, Figure 6).

Regarding claim 2, Chavez further discloses wherein the stationary network equipment comprises a database for storing cell priority data relating to individual terminals (wireless switching system being responsive to the identification code of

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wireless terminal to examine internal table to determine the tenant to which the wireless terminal is assigned, accessing base stations which can be used by the tenant and downloading the information to the wireless terminal, see col. 3, lines 16-23).

Regarding claims 3 and 7, Chavez's teaching of the wireless switching system transmitting the list of base stations when the wireless terminal registers and requests the list (see col. 3, lines 10-14), reads on the stationary network equipment being arranged to supply information to the terminal about priority data stored in the database relating to the terminal as a response to an excitation which is when the terminal registers with the cellular system.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chavez, Jr.**, as applied to claims 4 and 6 above, and further in view of **Wang et al.** (5,649,289).

Regarding claims 5 and 8 Chavez fails to specifically disclose that the terminal is further arranged to maintain a list of possible cells for re-selection and to arrange the list in an order, which is based on a parameter, calculated for each cell, in which for priority cells, the terminal is arranged to alter the parameter calculation relating to the cell, so that the parameter has a particular advantageous value in the case of a priority cell.

However, it is very well known in the art to use certain defined parameters in

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maintaining cell re-selection data to favor priority cells as taught by Wang. Wang teaches the use of a user's office or home location in assigning a cell of preference (see col. 4, lines 32-45). Wang further discloses using indexes in determining cells which are considered part of a preferred list for a customer paging area for a mobile subscriber (see col. 5, lines 35-67).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Wang with the system of Wang for the benefit of ensuring the selection of priority cells for communication in order to reduce charges for mobile subscribers.

It would therefore have been obvious to one of ordinary skill in the art to incorporate the above teaching of Wang using a parameter to determine a priority list hierarchy into the system of Wang in order to identify the characteristics of preferable cells for cell selection for communication while maximizing the advantages for the subscriber such as reduced charges or special communication services.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chavez, Jr., and Wang et al** as applied to claim 8 above, and further in view of ETSI (**European Telecommunications Standards Institute**), **ETS 300 535 (GSM 03.22 version 4.10.0)**.

With respect to claims 9 and 10 Chavez as modified by Wang fail to specifically teach information as to whether or not the terminal shall apply an offset parameter, a delay factor relating to the cell and cell re-selection hysteresis in the calculation of the parameter relating to a priority cell in a situation where cell re-selection represents shifting from a non-priority cell to a priority cell.

However, it is known in the art to use cell re-selection hysteresis and the use of a delay factor in calculating parameters relating to cell re-selection as taught by GSM 03.22 version 4.10.0. The specification teaches that for cell re-selection in cell prioritization, a hysteresis factor as well as an offset value can be used in determining a parameter (C2) (see sections 3.4- 3.5.2.2)

It would therefore have been obvious to one of ordinary skill in the art to use a delay factor in the system of Chavez and Wang as taught by the ETSI standard for cell re-selection hysteresis in making decisions regarding movement to and from priority cells as desired for the benefit of encouraging or discouraging re-selection of specific prioritized cells.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.